

## **REMARKS**

The present Amendment is in response to the Examiner's Final Office Action mailed January 11, 2008. Claim 14 has been cancelled without prejudice, claims 1, 4, 7, 9, 12, 13, 19 and 20 are amended, and new claims 24-27 have been added. Claims 1-13 and 15-27 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Assignee's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claims and the cited references. In addition, Assignee request that the Examiner carefully review any references discussed below to ensure that Assignee understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

### **I. Examiner's Interview**

Assignee's express their appreciation to the Examiner for conducting a telephone interview with Assignee on March 10, 2008. This response contains the substance of the interview.

### **II. REJECTIONS**

#### **A. Rejection Under 35 U.S.C. §102(b)**

##### **Claims 20-22**

The Examiner rejected claims 20-22 under 35 U.S.C. § 102(b) over *O'Such et al.* (United States Patent No. 5,130,739). Because *O'Such* does not teach or suggest each and every element of the rejected claims, Assignee respectfully traverse this rejection in view of the following remarks.

*O'Such* teaches a process which, among other things, corrects camera shake, the process including:

(a) determining the initial value of the exposure parameters that are required to provide a baseline exposure of a scene to be photographed; (b) ascertaining corresponding exposure parameters that actually meet the scene requirements, such as e.g. camera shake and required depth-of-field; (c) assessing, in response to differences between the initial and corresponding exposure parameters whether any extra system speed exists and, if so, the amount of extra system speed that is available for use in photographing the scene; and (d) finally, where possible, consuming that extra system speed in a pre-defined prioritized incremental manner to vary the baseline exposure parameters in order to provide an exposure of the scene that has a level of quality which is at least equal to and, in many instances, significantly improved over that which would be obtained using the initial, i.e. ISO normal exposure, settings.

‘739, col. 10, ll. 13-29 (emphasis added). The *O’Such* reference teaches that its inventive process is to address situations, for example, where a flash unit or tripod is unavailable. *See id.* at col. 3, ll. 17-24. However, as mentioned in the office action, *O’Such* also teaches that the camera can have a tripod detector, *see id.* at col. 26, ll. 27-32, and can signal to the photographer to connect the tripod to the camera, *see id.* at col. 84, ll. 1-2. *O’Such* further teaches with regard to using a tripod detector:

Once the camera microcomputer senses that the camera is connected to the tripod and is thus likely to remain stable over a prolonged exposure period, the microcomputer could then switch to a prioritized scheme that favors increased lens apertures over shortened shutter speeds in order to consume available extra system speed in a manner that improves image quality. Alternatively, if the photographer set a switch on the camera indicating that a tripod was not available, or the camera itself detected that a tripod was not connected to the camera after a fixed time-out interval occurred, then a scheme, such as that described in detail above, which favors shortened shutter speeds to minimize camera shake and image blur over smaller lens apertures would instead be selected and utilized. Generally speaking, the camera microcomputer, using appropriate input sensors and/or through other well known techniques can readily determine all the specific photographic resources that are currently available to the photographic system for use in taking each photograph. For example, the input sensors could illustratively include a microswitch to determine if a tripod is connected to the base of the camera.

*Id.* at col. 84, ll. 2-24 (emphasis added). Thus, when a tripod is not in use, the baseline exposure comparison process described *supra* is used.

In direct contrast, independent claim 20 recites “detecting when a force is applied to an element disposed outside of a housing of an image capture device from a surface other than a

tripod” and then using the detected force to “generat[e] a trigger signal in response to the image capturing device being substantially stationary” and further to “adjust[] an image exposure period in response to the trigger signal.” As discussed in the Telephone Interview, since *O’Such* does not teach the recited method of claim 20, Assignee respectfully request that the rejection of claim 20 under 35 U.S.C. § 102(b) be withdrawn.

Dependent claims 21-22 depend from independent claim 20 and thus incorporate the elements thereof. As such, Assignee respectfully submits that claims 21-22 are distinguishable over the prior art for at least the same reasons discussed above with respect to claim 20 and request that the anticipation rejection with respect to these claims be withdrawn.

**B. Rejection Under 35 U.S.C. § 103**

**Claims 1-5, 7-10, 12-19 and 23**

The Examiner rejected claims 1-5, 7-10, 12-19, and 23 under 35 U.S.C. § 103(a) over *Keiichiro* (JP Application Publication 2003-189164) in view of *O’Such et al.* (U.S. Patent No. 5,130,739). Since claim 14 has been cancelled, the obviousness rejection with respect to claim 14 has been rendered moot. Assignee traverse the Examiner’s rejection for obviousness on the grounds that the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims.

The Examiner is reminded that to successfully make a *prima facie* rejection under 35 U.S.C. § 103, the Examiner must show that Assignee’s claimed subject matter would have been obvious to one of ordinary skill in the art pertinent to Assignee’s claimed subject matter at the time it was made. *See KSR International, Co. v. Teleflex, Inc.*, 550 U.S. \_\_ (decided April 30, 2007). Some of the factors to consider in this analysis include the differences between the applied documents and Assignee’s claimed subject matter, along with the level of skill associated with one of ordinary skill in the art pertinent to Assignee’s claimed subject matter at the time it was made. *See* USPTO Memo entitled “Supreme Court decision on *KSR Int’l. Co., v. Teleflex, Inc.*,” (May 3, 2007). One way in which an Examiner may establish a *prima facie* case of unpatentability under 35 U.S.C. § 103 would be to show that three basic criteria have been met. First, the Examiner should show that the applied documents, alone or in combination, disclose or suggest every element of Assignee’s claimed subject matter. Second, the Examiner should show that there is a reasonable expectation of success from the proposed combination. Finally, the

Examiner should show that there was some suggestion or motivation, either in the applied documents themselves or in the knowledge generally available to one of ordinary skill in the art pertinent to the claimed subject matter at the relevant time, to modify the document(s) or to combine document teachings. The motivation or suggestion to make the proposed combination and the reasonable expectation of success should be found in the prior art, and should not be based on Assignee's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *See*, MPEP § 2142; 2143 - § 2143.03 (regarding decisions pertinent to each of these criteria). Applicant respectfully asserts that the Examiner has not met these standards.

*Keiichiro* teaches a means to correct angular-velocity deflection due to swaying. *Keiichiro* teaches correcting this deflection by actuating a deflection amendment. Specifically, *Keiichiro* teaches that an angular-velocity detection means (such as angular velocity sensors 4 and 5) detects the surrounding angular velocity of two shafts 2 and 3, to detect whether the camera is swaying. *See Keiichiro*; pp. [0004-0005 and 0008]. *Keiichiro* teaches that a deflection amendment is actuated to correct image distortion caused by swaying. *See Keiichiro*, p. [0005]. *Keiichiro* teaches that there is a tripod anchoring pilot switch, which may terminate a deflection amendment actuation. *See Keiichiro*, p. [0005]. Thus, in response to detection of connection to a tripod, the camera does not employ the deflection amendment means to correct deflection. *Keiichiro* teaches that the deflection amendment actuation may also be cancelled by a user. *See Keiichiro*, p. [0007]. However, *Keiichiro* does not teach an image generator that adjusts an image exposure period in response to a trigger signal, as presently claimed in independent claims 1 and 7. The Examiner admits that *Keiichiro* does not teach an exposure period being prolonged in response to a trigger signal. [Office Action at 5].

Furthermore, while the deflection amendment actuation can be terminated with the tripod anchoring pilot switch, when the tripod is not in use, *Keiichiro* teaches correcting image blur using the angular-velocity deflection mechanism described above – not by altering an exposure period. Furthermore, *Keiichiro* does not teach “a trigger having an element disposed outside of the housing configured to detect a surface other than a tripod” as recited in independent claims 1, 7 and 12. Independent claim 19 similarly recites “means for detecting a force applied to an outside of a housing of the apparatus from a surface other than a tripod.”

The Office Action asserts that *O'Such* teaches a tripod detector for a camera and an

image generator adjusts an image exposure period in response to the trigger signal and switches to a prioritized scheme that favors increased apertures over shorter shutter speeds when the camera is connected to the tripod. *See* Office Action at 5. However, as discussed above, when the tripod is not in use, *O'Such* teaches correcting camera shake using a baseline exposure comparison process described above, which process does not teach or suggest “a trigger having an element disposed outside of the housing, for detecting an applied force to the element outside of the housing from a surface other than a tripod” or “means for detecting a force applied to an outside of a housing of the apparatus from a surface other than a tripod.”

In view of both *Keiichiro* and *O'Such*'s failure to teach all of the elements of independent claims 1, 7, 12 and 19, Assignee submit that the Examiner has failed to set forth a *prima facie* case for obviousness and respectfully request that the rejection with respect to claim 1, 7, 12 and 19 be withdrawn.

Dependent claims 2-5, 8-10, 11-13 and 15-18, and 23 depend from independent claims 1, 7, 12 and 19 and thus incorporate the elements thereof. As such, Assignee respectfully submits that claims 2-5, 8-10, 11-13 and 15-18, and 23 are distinguishable over the prior art for at least the same reasons discussed above with respect to claims 1, 7, 12 and/or 19 and requests that the obviousness rejection with respect to these claims be withdrawn.

### **Claims 6 and 11**

The Examiner rejects claims 6 and 11 under 35 U.S.C. § 103 as being unpatentable over *Keiichiro* (JP Application Publication 2003-189164) in view of *O'Such et al.* (U.S. Patent No. 5,130,739) as applied to claims 1 and 7 above, and further in view of *Iida* (U.S. Patent Publication No. 2004/0008260). Claims 6 and 11 depend from independent claims 1, and/or 7 and thus incorporate the elements thereof. As such, Assignee respectfully submits that claims 6 and 11 are distinguishable over the prior art for at least the same reasons discussed above with respect to claims 1 and/or 7 and that *Iida* does not make up for the deficiencies in *Keiichiro* or *O'Such*. Applicant thus requests that the obviousness rejection with respect to claims 6 and 11 be withdrawn.

### **III. New Claims**

By this response, Assignee has added new claims 24-27. Assignee submits that new claims 24-27 are based in the originally filed specification and/or claims and that no new matter has been added. Assignee respectfully submits that new claims 24-27 are allowable over the prior art since the prior art does not teach the elements recited in new independent claim 24. As such, Assignee respectfully requests entry and allowance of new claims 24-27.

### **IV. CONCLUSION**

In view of the foregoing, and consistent with the tentative agreement reached during the Examiner Interview, Assignee believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 11<sup>th</sup> day of April, 2008.

Respectfully submitted,

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